

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6385

BILL NUMBER: HB 1377

NOTE PREPARED: Nov 28, 2007

BILL AMENDED:

SUBJECT: Crimes of Violence.

FIRST AUTHOR: Rep. Bell

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill adds the crimes of: (1) operating a motor vehicle while intoxicated causing serious bodily injury; and (2) criminal recklessness causing serious bodily injury; to the definition of "crime of violence". (A person who commits a crime of violence as part of a single episode of criminal conduct may receive a longer sentence.)

Effective Date: July 1, 2008.

Explanation of State Expenditures: *Summary* - The definition for a crime of violence is used in the statute to provide guidelines for (1) sentencing, which could increase costs for incarceration if an offender is incarcerated for a longer period of time; (2) home detention for probation, which would have indeterminable but potentially increased fiscal impact; and (3) the denial of certification for the provision of emergency medical services, which is expected to have minimal fiscal impact.

Background Information: Under the bill, causing serious bodily injury when operating a motor vehicle, a Class D felony or a Class C felony for a subsequent offense, and criminal recklessness causing serious bodily injury, a Class D or Class C felony depending on the circumstances of the crime, would be included in the list of crimes that define a crime of violence.

Under IC 35-38-1-7.1, one aggravating circumstance the court may consider in determining the length of sentence is if the offender committed a crime of violence. In IC 35-50-2-1.3, the court may consider the midpoint of the sentencing guidelines as an advisory sentence, unless the crime is a crime of violence. Additionally, in considering a consecutive sentence versus a concurrent sentence under IC 35-50-1-2, the

court may not impose a sentence greater than the advisory sentence of the next higher crime class, except if the offender committed a crime of violence. These factors could lengthen the period of time that an offender is incarcerated in a state correctional facility.

The average expenditure to house an adult offender was \$19,185 and \$63,138 for a juvenile in FY 2007. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

The following information applies to state correctional facility commitments between 2002 and 2006.

Offense	Felony Class	Annual Average Commitments (2002-2006)
IC 9-30-5-4 Causing serious bodily injury when operating a motor vehicle while intoxicated.	D	32
IC 9-30-5-4 Causing serious bodily injury when operating a motor vehicle while intoxicated with a prior conviction.	C	14
IC 35-42-2-2 Criminal recklessness causing serious bodily injury. (Note: Includes offenders involved in hazing and not included in the proposed changes.)	D	173
IC 35-42-2-2 Criminal recklessness causing serious bodily injury involving a deadly weapon. (Note: Includes offenders involved in hazing and not included in the proposed changes.)	C	35

Explanation of State Revenues:

Explanation of Local Expenditures: A violent offender is an offender who commits a crime of violence under the sections of the Indiana Code concerning home detention for probation. A violent offender must be supervised under special procedures, including constant supervision of the violent offender using surveillance equipment and a monitoring device that can transmit 24 hours a day concerning the offender's precise location. To the extent that these offenders are placed on probation, adding causing serious bodily injury when operating a motor vehicle and criminal recklessness causing serious bodily injury to the list of crimes of violence could increase probation costs for monitoring these offenders on home detention. The cost of providing constant surveillance of violent offenders on home detention varies among locations.

Explanation of Local Revenues:

State Agencies Affected: Department of Homeland Security; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.